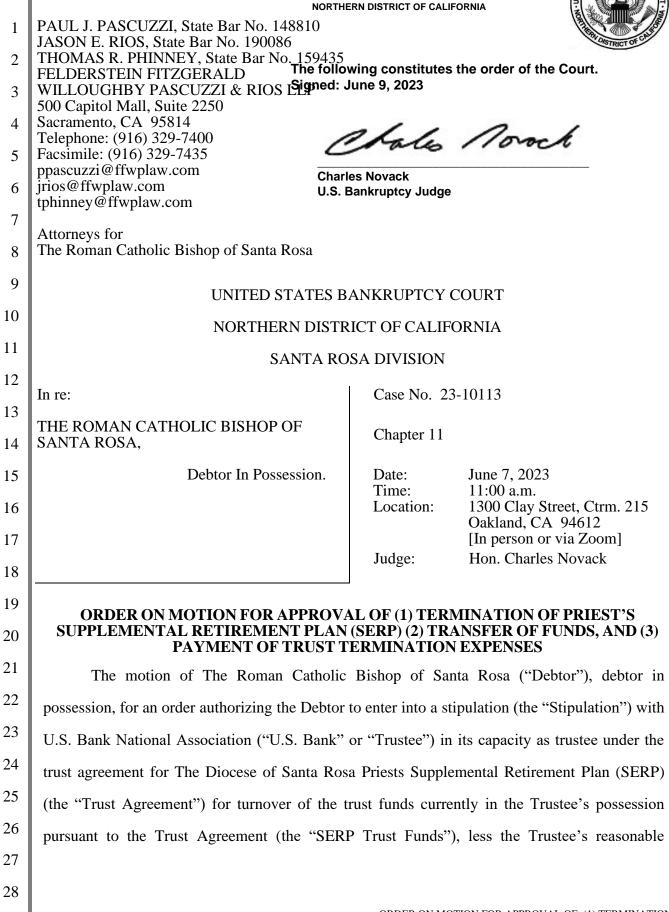
Entered on Docket June 09, 2023 **EDWARD J. EMMONS, CLERK**

U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA



ORDER ON MOTION FOR APPROVAL OF: (1) TERMINATION OF RETIREMENT SERP; (2) TRANSFER FUNDS, AND (3)

Case: 23-10113 Doc# 250 Filed: 06/09/23 Entered: 06/09/23 20:14:13 TERMINATION EXPENSES

expenses and attorney fees (the "Motion"), ¹ came on for hearing on June 7, 2023, at 11:00 a.m., in Courtroom 215 of the United States Bankruptcy Court for the Northern District of California. The Debtor appeared through its counsel, Paul J. Pascuzzi. Other appearances were noted on the record. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

Based upon the Motion and supporting pleadings, any other relevant papers filed in connection with the Motion, arguments of counsel appearing at the hearing on the Motion, and for good and sufficient cause appearing,

IT IS HEREBY ORDERED THAT:

- 1. The Motion is GRANTED as set forth herein.
- 2. The Stipulation for Turnover of SERP Trust Funds ("Stipulation") filed with the Motion as Exhibit B filed at Docket No. 195-2 is approved.
- 3. As provided in the Stipulation, the Trustee is directed to turn over the SERP Trust Funds to the Debtor, minus the Trustee's reasonable expenses and attorney fees, within fifteen (15) days after entry of this order, provided that no appeal, motion for rehearing or other motion for relief from such order has been filed prior to the expiration of such period. The Court reserves the jurisdiction to resolve any dispute relating to the amount of the Trustee's expenses and fees.
- 4. Upon receipt of the SERP Trust Funds by the Debtor, the Trust Agreement shall be deemed terminated, and all duties and obligations of the Debtor and the Trustee under the Trust Agreement shall be terminated.
- 5. Pending further order of this Court, the Debtor shall hold the SERP Trust Funds in a segregated account that is a debtor in possession account at a bank that is an authorized depository in the Northern District of California and not use them for any purpose.
- 6. All rights of all parties in interest to seek an Order of the Court that the SERP Trust Funds are property of the estate are reserved, and nothing in this Stipulation shall be construed to be a waiver of that claim.

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¹ All capitalized terms used but otherwise not defined herein shall have the meanings set forth in the Motion.

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2	APPROVED AS TO FORM.
3	STINSON, LLP
4	By: /s/ Robert T. Kugler
5	ROBERT T. KUGLER
6	Attorneys for the Official Committee of Unsecured Creditors
7	FAEGRE BAKER DANIELS LLP
8	By: /s/ Michael R. Stewart
9	MICHAEL R. STEWART Attorneys for U.S. Bank National Association
10	
11	OFFICE OF THE UNITED STATES TRUSTEE
12	By: <u>/s/ Jason Blumberg</u> JASON BLUMBERG
13	*** END OF ORDER ***
14	END OF ORDER
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	ORDER ON MOTION FOR APPROVAL OF: (1) TERMINATIO

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